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## High court rules against gravel pit expansion

By **Geoffrey Fattah**

Deseret Morning News

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The Utah Supreme Court ruled Tuesday that the Salt Lake County Planning Commission violated its own zoning ordinances when it granted an expansion permit to a Parleys Canyon gravel pit.

In a ruling released Tuesday, the high court upheld a lower district court ruling that found the Planning Commission and Board of Adjustment violated their own standards in allowing Harper Excavating Inc. to expand its operation from 11.5 acres to 62.2 acres.

The expansion was challenged by the local environmentalist group Save Our Canyons, which unsuccessfully appealed to the county to reconsider.

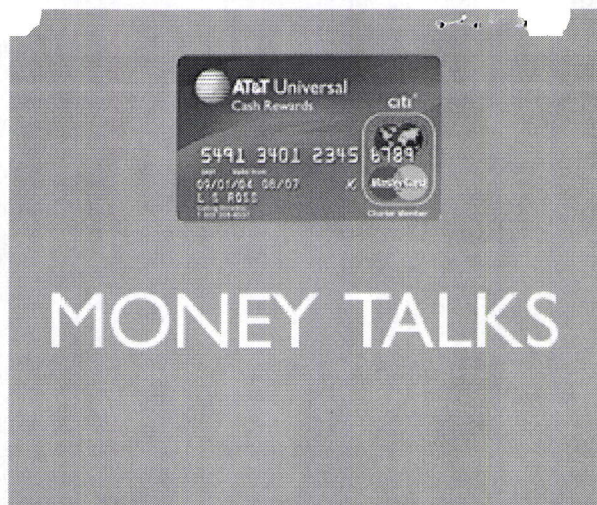
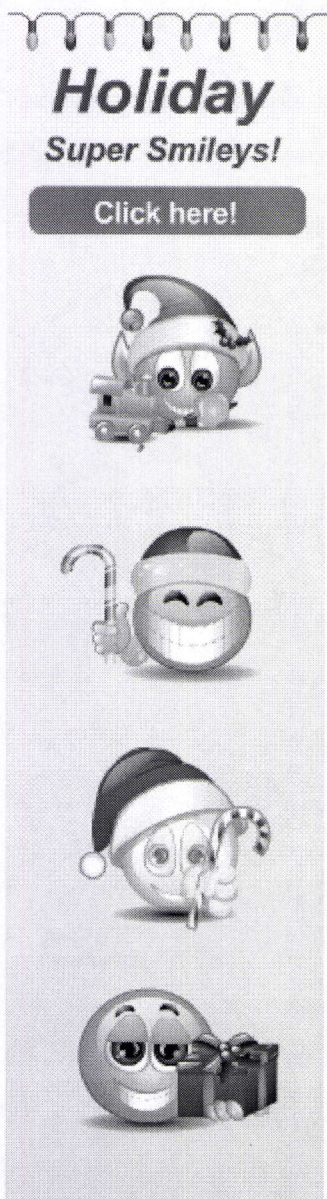
According to the high court ruling, the gravel pit is located within zones that define their purpose as "to preserve the natural character of the foothills and canyons by establishing standards for foothill and canyon development."

County planning staff justified granting the expansion by saying the land use was classified as a "mine" by the Utah Division of Oil, Gas and Mining, which would provide a permitted conditional use in the area's forest-recreation zone.

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Save Our Canyons filed suit against Salt Lake County in 3rd District Court, arguing that the county ignored forest-recreation zoning ordinances and guidelines of the Foothills and Canyons Overlay





Zone in granting the expansion.

Judge Sandra Peuler ruled that the county failed to follow its own ordinances.

Following the lower court ruling, Salt Lake County appealed to the Utah Supreme Court.

In its unanimous decision, the high

court concluded that gravel pit operations do not fall under the definition of a mine. Justices also held that the county board of adjustment "acted illegally when it upheld the Planning Commission's decision to approve Harper's request to expand its existing gravel pit operations."

Tuesday's ruling was celebrated by Save Our Canyons as precedent setting.

"This case could be used by future plaintiffs to support their legal arguments against the county in future litigation over related issues," said executive director Lisa Smith.

The gravel pit, located about two miles up the canyon, has been in operation since 1886 and has been owned and managed by several companies.

E-mail: [gfattah@desnews.com](mailto:gfattah@desnews.com)

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